

NOV 14 2018

**CASCADE COUNTY
ZONING BOARD OF ADJUSTMENT**

Meeting Minutes
Wednesday July 11, 2018
9:00 AM
Room #105, Courthouse Annex
Cascade County Commissioners Chambers

Board Members: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski,
Michele Levine

Notice: These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment.

These minutes are considered a draft until the Zoning Board of Adjustment approves them.

Notice: Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at cascadecountymt.gov and the Clerk and Records Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b).

Timestamps are indicated in red, within each agenda item below, and will direct you to the precise location should you wish to review the audio segment.

STAFF ATTENDEES: Alex Dachs, Sandor Hopkins, Anna Weber, Carey Haight and Natalia Wilson

PUBLIC ATTENDEES: Roy Ingram, Mary Bates, Mike Goulet, Kelly Axtman, Gary & Jeanne Word, Jesse Welling

1. CALL TO ORDER: Chairman Bill Austin called the meeting to order at 9:00 am.

2. ROLL CALL

BOARD MEMBERS PRESENT: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski, Michele Levine

BOARD MEMBERS ABSENT: none

3. APPROVAL OF MINUTES: May 17, 2018

Charles Kuether Motion to approve the minutes.

Leonard Reed second the Motion.



All in Favor, Motion carries 5-0

4. NEW BUSINESS:

A. Public Hearing: Roy Ingram & Mary Bates-Special Use Permit

Applicant requesting Special Use Permit to build a storage building/personal shop on an undeveloped lot with no principal use on the parcel

Staff Report by Anna Weber

Motions:

Alternative 1: Move the Special Use Permit to allow the construction of a personal shop/storage building on the property legally described as parcel #0001986100 Geocode 02-3015-29-4-02-05-0000 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or

Alternative 2: Move the Board to adopt the staff report and **approve** the Special Use Permit to allow the construction of a personal shop/storage building on the property legally described as parcel #0001986100 and Geocode 02-3015-29-4-02-05-0000, with three (3) conditions. 04:56

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. The applicant obtains an approach permit off 40th ST SW.
3. The applicant must obtain approval for their water, wastewater, and septic for the City/County Health Department.

Board Questions: none 9:15 am

Bill Austin asked is the applicant here?

Roy Ingram 4101 62nd Ave SW 015:36 I just want to say we are both retired military we support the military, I'm a car collector and I need a place to store my cars and work on them. I've spoken to all my neighbors and have had no objections.

Charles Kuether 016:26 asked is this your property (used legal description)

Anna Weber 016:34 stated yes (applicant did not know legal description)

Charles Kuether 016:55 asked the applicant about the value of having an access off of 40th St SW

Roy Ingram 017:12 stated we use the entrance through our property. We have a gate off of 40 we only use it for cutting down alfalfa, our neighbor cuts it and gets it because we don't need it. The primary way we are going to use is past our house

Public Hearing opened at 9:18 am

Proponents: none 018:16

Opponents: none 018:28

Public Hearing closed at 9:19 am

Discussion and Decision

There was a discussion and decision included during these time stamps 18:56 and 39:55 (There was quite a bit of back and forth about the need to have a condition for the access and the Motion was ultimately amended to reflect a change made to the original proposed motion.)

Charles Kuether 018:56 stated I have another question for Anna about the purpose for the approach of off 40th St SW

Anna Weber 019:24 stated when they initially came to the office they were thinking about putting in an approach, so they could easily park their cars we were just assuming it was going to be off of 40th the only reason they would need a permit is if they are going to do that if not it would not be required

Charles Kuether said so we could eliminate that part

Anna Weber said I would say so

Bill Austin said to me it would be ridiculous to have an approach off of 40th St

Anna Weber stated the only other reason would be the E 911 services to make sure a fire truck could get to it

Alex Dachs 020:02 stated because there are two separate parcels so if they decide to sell in the future, they may not be able to get an approach permit

Mary Bates 4101 62nd Ave SW 020:30 4101 62nd Ave SE said there is an approach there we don't need one

Bill Austin 020:33 asked for a motion

Charles Kuether 020:48 asked the applicants, do you have a preference about the approach?

Mary Bates 020:54 asked what does the permit do?

Anna Weber 020:56 stated is to make sure it's safe through the road and bridge department

Mary Bates 021:12 said so the approach there is not approved?

Anna Weber 021:16 said you would have to check with road and bridge, it's very easy to do just with an email

Bill Austin 021:24 stated I've been there for 42 years a lot of stuff was done before all these permits had to be done I don't remember an approach

Carey Haight 021:52 stated she would prefer we keep the conditions because of future problems

Roy Ingram 022:29 said you are telling me I have to have a permit for something I don't need

Rob Skawinski 022:53 asked Alex if you change the use of parcel you have to change approach is that the county standard

Alex Dachs 023:20 said not typically

Rob Skawinski asked is there a fee for approach services

Alex Dachs stated I'm not sure I think is 200 dollars we have to check with Rick on that

Michel Levine 023:51 asked Anna do these projects get circulated to the road and bridge department

Anna Weber 023:58 said not typically (we have not check on this one yet)

Michel Levine 024:21 stated it would be helpful in the future. We could amend condition 2 to "if it's required"

Bill Austin 024:41 said amend it a little bit

Roy Ingram 024:47 Stated I don't have a need for it, but you are going to make me pay for it anyway

Charles Kuether 025:06 stated permit would not change. I'm for leaving it off, if he needs one he is going to go get it

Carey Haight 025:36 disagreed

Bill Austin 025:56 stated that he agrees with the applicants if they don't need it don't get it

Charles Kuether 027:19 stated he opposes to the requirements

Bill Austin 027:22 said we are not saying they have to do this

Rob Skawinski 027:24 Stated this way we are

Michele Levine 027:47 said if they require it

Bill Austin 028:02 said I found out if you don't ask, you can plead ignorance

Charles Kuether 028:36 said you should not ask

Carey Haight 028:50 said it's no different than requiring them to talk to the CCHD if they want to put a septic in

Charles Kuether 029:31 said if they were accessing the building from 40th St

Carey Haight 029:43 said they could change their mind tomorrow this gives us the ability to go back

Michele Levine made a Motion to adopt the Special Use Permit to allow the construction of a personal shop/storage building on the property legally described as parcel #001986100 and Geocode 02-3015-29-4-02-05-0000, subject to the 3 conditions and amend condition 2 after 40th St to read "if required" 30:22

- 1.The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
- 2.The applicant obtains an approach permit off 40th ST SW, if required
- 3.The applicant must obtain approval for their water, wastewater, and septic for the City/County Health Department.

Rob Skawinski second the Motion

All in Favor, Motion carries 5-0. 31:14

Brief Recess 9:31 a.m.

Back from recess 9:34 a.m.

B. Public Hearing: The Little Store - Special Use Permit 33:05

Applicant Michael Goulet is requesting a Special Use Permit to operate commercial/retail establishment for convenience sales, as required by the mobile home district.

Staff Report: Sandor Hopkins
Motions:

Alternative 1: Move the Special Use Permit to allow the operation of a Convenience Sales business on the property be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or

Alternative 2: Move the Board adopt the staff report and **approve** the Special Use permit to allow the operation of a Convenience Sales/Retail business at 5435 Lower River RD, legally described as parcel #0002533700 and Geocode 02-3015-36-1-01-30-0000 with two (2) conditions

1. Applicant obtains any and all other Local, State and Federal Permits.
2. Applicant operate in accordance with the restrictions on liquor and gambling imposed by Section 7.5.12.6

Board Questions/Comments 46:27

Charles Kuether 46:32 asked how is the store going to run?

Sandor Hopkins 046:48 responded I don't know

Bill Austin 046:50 asked is the applicant here?

Applicant: Mike Goulet 5405 Lower River RD MT 46:51 Mike Stated we are leasing the store from the trailer park, we are model as D.J. Outback, also planning to put a deli

Charles Kuether 047:52 asked are you going to be selling liquor?

Mike Goulet 48:17 said beer and wine yes, working on a license

Public Hearing opened 9:50 a.m.

Bill Austin asked for proponents 49:12

Gary Ward 1040 Franklin Ave 49:35 asked why they need a permit. He is for the store

Leonard Reed 049:57 stated if its vacant for 6 months they have to reapply

There was a back and forward discussion about why the SUP between 49:35 – 57:37

Jesse Welling 5405 Lower River Rd #131 52:38 said I am the president at this trailer court and everyone there wants this store, we need it and its good for the community

Bill Austin called for opponents: none 52:51

Public Hearing closed at 9:54 a.m.

Charles Kuether made a Motion to: Move the Board adopt the staff report and **approve** the Special Use permit to allow the operation of a Convenience Sales/Retail business at 5435 Lower River RD, legally described as parcel #0002533700 and Geocode 02-3015-36-1-01-30-0000 with two (2) conditions

1. Applicant obtains any and all other Local, State and Federal Permits.
2. Applicant operate in accordance with the restrictions on liquor and gambling imposed by Section 7.5.12.6

approve 53:20

Michele Levine second the Motion

Motion carries 5-0 53:58

C. Public Hearing-Gordon Lapke, Second Dwelling-Special Use Permit 54:31

Applicant Gordon Lapke is requesting a Special Use Permit to allow Duplex Second Dwelling in a mixed-use district, lot 9 Simms original townsite.

Presented by Sandor Hopkins

Motions:

Alternative 1: Move the Special Use Permit to allow the placement of a Duplex on Parcel 0004518500, Geocode 02-3009-13-1-07-05-0000 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or

Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a Duplex on Parcel 0004518500, Geocode 02-3009-13-1-07-05-0000 with two (2) conditions:

1. The applicant obtains any other required county, state or federal permits and comply with regulations associated with any other permits.
2. The applicant obtains addresses from Cascade County public works / GIS / Mapping Addressing for E911 purposes

Bill Austin asked any questions? Is the applicant here.

Kelly Axtman 107 W Lawrence St Helena 1:07:21 Representing Lapke construction and Gordon Lapke the owner of the property

Public Hearing open 10:09

Proponents: none 1:08:47

Opponents: none

Public hearing closed at 10:09 a.m.

Board Discussion and decision 1:09

Leonard Reed 1:09:14 asked the applicant where the property was in the map and address

Kelly Axtman 1:10:05 Showed the place in the map and explained more about the project, also gave address West Fox Street (130 Walker St)

Rob Skawinski made a Motion to Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a Duplex on Parcel 0004518500, Geocode 02-3009-13-1-07-05-0000 with two (2) conditions:

1. The applicant obtains any other required county, state or federal permits and comply with regulations associated with any other permits.
2. The applicant obtains addresses from Cascade County public works / GIS / Mapping Addressing for E911 purposes

Leonard Reed second the Motion.

All in Favor, Motion carries 5-0

5. OLD BUSINESS: None

6. BOARD MATTERS:

Bill Austin 1:11:13 asked is there anything coming up

Alex Dachs 1:11:20 stated we have some inquiries but nothing yet

Anna Weber 1:11:33 stated we do have one variance (we got it while you were gone)

Bill Austin 1:11:43 stated very good no word on the big one yet

Alex Dachs 1:11:43 said no

Carey Haight 1:11:52 stated since I have you all here just a reminder not to involve yourself in discussions like that, the time will come when you will have a chance to make a judgment and comment on it but not now no public comments

Bill Austin 1:12:18 stated I have been asked a lot but I always say I have been advised by Carey Ann not to comment on it, I don't want to upset Carey Ann

7. Public Comments Regarding matters within the Boards Jurisdiction: none

8. ADJOURNMENT:

Leonard Reed made a Motion to adjourn.

Charles Kuether second Motion.

All in Favor, Meeting adjourned at 10:14 am

Bill Austin
Chairman Bill Austin or VC Charles Kuether

11-1-18
Date

Alex Dachs
Alex Dachs - Sandra Hopkins

11-2-18
Date